

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 01-2002

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Audie Lynn Fox,

Appellant,

v.

Sheryl Ramstad Hvass; Frank W.  
Wood, Sued as Frank W. Wood;  
Gothriel J. LaFleur,

Appellees.

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Appeal from the United States  
District Court for the  
District of Minnesota.

[UNPUBLISHED]

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Submitted: October 26, 2001  
Filed: December 20, 2001

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Before BOWMAN, BRIGHT, and LOKEN, Circuit Judges.

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PER CURIAM.

Audie Lynn Fox appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. §§ 1983 and 1985 complaint alleging that then-Commissioner Frank Wood denied him parole in 1995 for purely retaliatory reasons. Upon de novo review, we agree with the district court that Fox's complaint is barred

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<sup>1</sup>The Honorable Paul A. Magnuson, United States District Judge for the District of Minnesota, adopting the report and recommendation of the Honorable Jonathan Lebedoff, United States Magistrate Judge for the District of Minnesota.

by a settlement agreement in which Fox relinquished his rights to bring future actions against past or present Minnesota officers based on events occurring prior to March 1996.

We do not address Fox's argument that the agreement was invalidated when the Minnesota Department of Corrections transferred Fox from the St. Cloud corrections facility to the Stillwater facility. Fox raised this issue for the first time on appeal. This issue remains unresolved as it was not presented to the district court.

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.